

4,260,293 to Peterson ("Peterson") in view of U.S. Patent No. 4,864,956 to Onstwedder, Jr. ("Onstwedder, Jr.").

Peterson and Onstwedder, Jr., however, fail to render the claimed invention unpatentable. Each of the claims recites a specific combination of features that distinguishes the invention from the prior art in different ways. For example, independent claim 1 recites a combination that includes, among other things:

said floatable unit comprising a mooring system, wherein the mooring system comprises... two back springs which are in connection with the first side of the floatable unit, said two back springs being adapted to control the floatable unit in a longitudinal direction in relation to the vessel... a strap which is in connection with the second side of the floatable unit, said strap being adapted to control the floatable unit in a transverse direction in relation to the vessel, and said two back springs and said strap being connected to the vessel,

(claim 1, ll. 3-11). Independent claim 11 recites yet another combination that includes, *inter alia*,

said floatable unit having a first side facing a side of a vessel and a second side facing away from the side of the vessel, wherein, the mooring system comprises... two back springs which are in connection with the first side of the floatable unit, said two back springs being adapted to control the floatable unit in a longitudinal direction in relation to the vessel... and a strap which is in connection with the second side of the floatable unit, said strap being adapted to control the floatable unit in a transverse direction in relation to the vessel, and said two back springs and said strap being connected to the vessel,

(claim 11, ll. 2-11). And independent claim 14 recites a further combination that includes, for instance,

said floatable unit having a first side facing a side of a vessel and a second side facing away from the side of the vessel, the mooring system comprising... two back springs in connection with the first side of the floatable unit, said two back springs being adapted to control the floatable unit in a longitudinal direction in relation to the vessel... and a strap being connected to the second side of the floatable unit, and being adapted to control the floatable unit in a transverse direction in relation to the vessel, the two back springs and said strap being connected to the vessel,

(amended claim 14, ll. 1-11). At the very least, the applied references, whether taken alone or in combination, fail to disclose or suggest any of these exemplary features recited in independent claims 1, 11 and 14.

The Examiner has failed to establish a *prima facie* case of obviousness for at least four reasons. First, the Examiner has not demonstrated how Peterson and Onstwedder, Jr., whether taken alone or in combination, disclose or suggest each and every feature recited in the claims. See M.P.E.P. § 2143 (7th ed. 1998). Second, the Examiner has not shown the existence of any reasonable probability of success in modifying Peterson, the base reference, based on the teachings of Onstwedder, Jr., the secondary reference, in a manner that could somehow result in the claimed invention. See *id.* Third, the Examiner has not identified any suggestion or motivation, either in the teachings of the applied references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Peterson in a manner that could somehow result in the claimed invention. See *id.* Finally, the Examiner has not explained how his obviousness rationale could be found in the prior art — rather than being a hindsight reconstruction of Applicants' own disclosure. See *id.*

Each of the Examiner's factual conclusions must be supported by "substantial evidence" in the documentary record, as required by the Federal Circuit. See *In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002). The Examiner has the burden of documenting all findings of fact necessary to support a conclusion of anticipation or obviousness "less the 'haze of so-called expertise' acquire insulation from accountability." *Id.* To satisfy this burden, the Examiner must specifically identify where support is found within the prior art to meet the requirements of 35 U.S.C. §§ 102(b) and

103. In this case, however, the Examiner has failed to satisfy his burden of demonstrating how Peterson, taken alone or in combination with Onstwedder, Jr., can either anticipate or render obvious each and every one of the limitations present in independent claims 1, 11 and 14, as required by the MPEP and Federal Circuit jurisprudence.

Peterson discusses a floating dock having a steel framework to the underside of which are fastened buoyant floatation bodies and to the upper surface of which is fastened a rigid imperforate sheet such as plywood. A method is discussed for fabricating the floating dock structure which makes possible at least partial construction before the dock structure is placed in the water. A bridge assembly 104 is shown, in FIG. 3, extending from a shoreline to a base unit B which may include dock fingers indicated at F1, F2 and F3 extending perpendicularly from the base unit B. The Examiner admits that Peterson fails to provide any disclosure of a mooring system or mooring a floatable unit to a vessel as recited, for example, independent claims 1, 11 or 14.

The Examiner attempts to remedy the deficiencies of Peterson by turning to Onstwedder, Jr. Onstwedder, Jr. discusses a yieldable mooring line for a boat. In FIG. 1, for example, a catwalk 23 is shown in connection with a dock 21. A plurality of mooring lines 11 are shown extending from points of the boat 13. As stated by the Examiner, use of two springs are attached to the stern. Moreover, the Examiner considers a strap to be attached to the bow of the boat. However, Onstwedder, Jr. fails to disclose or suggest, at least two back springs and the strap being connected to the vessel, as recited in independent claims 1, 11, and 14 in combination with the additional

features. For example, FIG. 1, of Onstwedder, Jr., clearly shows that one of the back springs 51 is not in connection with the vessel, as recited in claims 1, 11, and 14. This may prevent the floatable unit from being controlled in a longitudinal direction in relation to the vessel as claimed.

In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that neither Peterson nor Onstwedder, Jr., taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 1, 11 and 14. Hence, withdrawal of the rejection is respectfully requested.

Claims 6-7 depend from independent claim 1 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1.

In addition, each of these dependent claims also recite combinations that are separately patentable.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore request the entry of this response, the Examiner’s reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 408-4328.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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